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RUCPDOC/DEPT OF COMMERCE WASHINGTON DC

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UNCLAS SECTION 01 OF 02 MONTERREY 000408

SIPDIS

PASS TO USPTO AND WILLIAM PAUGH, DOC ENFORCEMENT OFF OF SEC

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SUBJECT: PROMOTING INTELLECTUAL PROPERTY RIGHTS IN NUEVO LEON

REF: A) MONTERREY 336 B) STATE 58059

MONTERREY 00000408 001.2 OF 002

¶1. Summary. Given the state governor's success in branding Monterrey as Mexico's "City of Knowledge," post has embarked upon an effort to promote intellectual property rights (IPR) and combat piracy in Nuevo Leon. The Consulate has promoted an IPR agreement that would afford the state government, enforcement agencies, and the private sector opportunities to cooperate on IPR protection. Concurrently, we are pursuing a project with the municipal government of Monterrey whereby the city would conduct an audit of its computers to ensure that only legal software is being used, an initiative which could serve as an example for businesses and organizations in the area.

Simultaneously, Post has worked to raise IPR awareness through: a) discussion sessions at the local American Chamber of Commerce (AmCham), b) an international visitor program for an influential Monterrey-based IPR lawyer, and c) training for a local patent examiner at United States PTO academy. Post is also working closely with Embassy Mexico to secure funds for IPR outreach projects and coordinating with our contacts here to both develop a comprehensive plan to raise awareness of IPR issues in Nuevo Leon and train officials in the protection of intellectual property. With additional support, we could capitalize on these relationships and implement a strong action plan that will help to advance this important mission goal. End Summary.

¶2. Building upon a December 2007 IPR conference staged in Monterrey by post and Embassy Mexico, post has been developing a plan to increase coordination efforts among the public and private sector in Nuevo Leon to combat piracy, as well as raise awareness of the issue (reftel A). One project we are pursuing is an agreement between the Nuevo Leon office of Mexico's Institute for Intellectual Property (IMPI), the state government, the regional office of the Attorney General (PGR), and a regional, private sector, IPR association (AMPII). The agreement would be modeled after the one signed by the State of Mexico in 2006. Initial meetings with the Regional IMPI Director and AMPII President to propose the idea of a state IPR agreement were well-received. IMPI Director Mayra Libbet Nunez Vazquez proposed inviting the Northeastern regional association, INVITE, to become involved as well, in the hopes of pursuing a larger IPR agreement that would include all the northeastern states of INVITE (reftel B). A subsequent meeting with the Executive Coordinator of INVITE, Francisco Javier Alejo Lopez, was also positive. Alejo suggested that a state IPR agreement could also be used to try and harmonize state and local laws related to IPR protection and enforcement.

¶13. Over recent months Nuevo Leon state Governor Jose Natividad Gonzales Paras has sought to promote Monterrey international as Mexico's City of Knowledge. To that end, the state has opened a research park which has attracted hi-tech companies (Motorola, Infosys, Wipro, etc.) and well-known universities (Monterrey Tec, Arizona State, Texas A&M). Sensing an opportunity, we have urged the Governor's economic cabinet to strengthen the region's intellectual property enforcement apparatus, noting that investors will only channel money to research if they know that the fruits of the labors will be protected. As a follow-up step, the Consulate's Public Affairs Section plans to bring a speaker here during the fall to discuss the connection between IPR protection, university-private sector cooperation, and tech transfer.

¶14. At the local level, we are currently pursuing a program entitled "El Ejemplo Empieza en Casa" (The Example Begins at Home) with the Monterrey municipal government. This program, which was first implemented in the state of Jalisco last year, involves running a sample audit of government computers to ensure the use of legal software. The purpose of this campaign, run in coordination with the Business Software Alliance (BSA) representative in Mexico City, is to reduce the use of pirated software and have government agencies serve as an example for private enterprises. Initial meetings with the municipal government have been very positive and have included useful input from city information systems personnel. If the program is successfully implemented, we plan to propose it to the state government as well.

¶15. Training in IPR is also greatly needed and we have nominated key individuals for specific courses and programs. Gilberto de Hoyos Koloffon, a Monterrey attorney whose law firm specializes

MONTERREY 00000408 002.2 OF 002

in IPR, just returned from a successful International Visitor's Program on the protection of intellectual property rights. De Hoyos, the President of AMPII, has been a key contact of ours in promoting IPR and is working with us to develop a strategy. He returned from the IV trip with many useful IPR contacts which we hope to use for future projects. In addition, post successfully nominated an IMPI patent examiner for a Patent Basic Course at the Global Intellectual Property Academy in Arlington, VA. We are also staying abreast of future courses that might be offered in the area of enforcement, particularly concerning Customs, in the interest of nominating local PGR agents who have also expressed interest in receiving training from U.S. experts. In addition, we had the local AmCham sponsor an IPR presentation for its members. The presentation, given by De Hoyos, generated so much interest that the Amcham scheduled a second session. Both presentations were very well-attended and participants, representing local companies, expressed their concern over the high level of IPR violations in Monterrey, as well as interest in learning more about registering patents and trademarks.

¶16. Post has held various strategy meetings with governmental officials, Embassy EconOff, post PAO and local IPR contacts to discuss how to best pursue these ongoing projects and to generate suggestions for further promoting IPR locally. One promising idea is to host an IPR awareness seminar using FY 2008 IPR Outreach Pilot Program funding (ref B). Such an event would generate a great deal of interest among all players in the Monterrey business and law enforcement community. With additional funds and support, we could capitalize on these relationships and implement a strong action plan that will help to advance this important mission goal.

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